


<b>Serial Number</b> 	<b>Application No.</b> 10/625,720	<b>Applicant(s)</b> SIMMONDS et al.	

<b>TERMINAL DISCLAIMER</b>		<input checked="" type="checkbox"/> <b>APPROVED</b>		<input type="checkbox"/> <b>DISAPPROVED</b>	
The term of this patent shall not extend beyond the expiration date of U.S. Patent No:	6,437,563				
The term of this patent subsequent to the adjacent date has been disclaimed.					
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# TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional):  
10317/002004

In re Application of: Simmonds et al.

Application No.: 10/625,720

Filed: July 22, 2003

For: Method and Apparatus for Making Measurements of Accumulations of Magnetically Susceptible Particles Combined with Analytes

The owner, Quantum Design Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,437,963 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

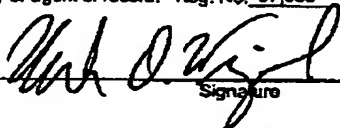
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- has all claims canceled by a reexamination certificate;
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 37,866



Signature

February 24, 2005  
Date

Mark D. Wisczorek  
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562-244-5671  
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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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